

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 861 North Springs Improvement District, Broward County

SPONSOR(S): Jenne and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	12 Y, 0 N	Nelson	Hoagland
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The North Springs Improvement District was created to fund, construct and maintain storm water management, water distribution, sewer collection and roadway improvements. The current boundaries of the district encompass approximately 8,420 acres within Broward County.

HB 861 revises the legal description of the district to add several parcels of property for the purpose of providing water, wastewater and drainage services and facilities to these areas. Inclusion in the district has been requested by the owners of the property at issue.

The boundaries of the district will expand from approximately 8,420 acres to approximately 8,684 acres.

The bill has an effective date of upon becoming law.

+FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The North Springs Improvement District

The North Springs Drainage District (district) was created by the decree of circuit court # 71-1724. The district's name subsequently was changed to the North Springs Improvement District. The district is an independent special district, and subject to the provisions contained in chs. 189 (the "Uniform Special District Accountability Act of 1989) and 298 (Drainage and Water Control), F.S. In 2005, the Legislature codified and reenacted all prior special acts of the district into a single, logically organized act,¹ as required by s. 189.429, F.S.

The purpose of the district is to fund, construct and maintain storm water management, water distribution, sewer collection and roadway improvements. The current boundaries of the district encompass approximately 8,420 acres within Broward County.

The district is governed by a three-member board of supervisors. One supervisor is elected by landowners owning property within the city limits of the City of Parkland, one supervisor is elected by landowners owning property within the city limits of the City of Coral Springs, and one supervisor is elected at large by all landowners of the district. Board members receive \$200 per month as compensation and travel expenses.

The district board must annually adopt a resolution establishing the non-ad valorem special assessments necessary to meet expenses for the coming year. Special assessments are collected and enforced in the same manner as county taxes.² The district does not levy ad valorem taxes. The district charter exempts all real and personal property owned, leased, controlled, or used by the district from all county, municipal, taxing district, and other ad valorem taxes and special assessments for benefits. The board may issue bonds to carry out the purposes of its charter payable solely from revenues of the district. The value of all bonds outstanding may not exceed 35 percent of the district's anticipated revenues for the period for which the bonds are outstanding.

The current powers and authority of the district include the authority to:

- contract and be contracted with;
- adopt a water control plan;
- acquire and maintain sites for storage and maintenance of the equipment of the district;
- clean out, straighten, widen, open up, or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream;
- regulate by resolution drainage requirements;
- borrow money and issue bonds, certificates, warrants, notes, or other evidences of indebtedness of the district;
- build and construct any other works, and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the district;
- hold, control and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in the district; to condemn as provided by chs. 73 and 74, F.S., or acquire, by purchase or grant for use in the district any land or property within the district;

¹ Chapter 2005-341, L.O.F.

²The district currently specially assesses properties at the rate of \$25.09 per acre. March 15, 2011, e-mail from Susan F. Delegal, attorney for the district, forwarded by Sandra Harris, Executive Director of the Broward Legislative Delegation.

- assess and impose on all of the lands in the district an ad valorem tax, an annual drainage tax, and a maintenance tax;
- impose and foreclose special assessments liens;
- prohibit, regulate and restrict by appropriate resolution all structures, materials and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or are a part of any facility owned or operated by the district;
- make adopt, promulgate, amend and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations and powers conferred on the district;
- cooperate with or contract with other water control districts or other governmental agencies;
- employ engineers, attorneys, agents, employees and representatives as the board of supervisors may determine necessary and to fix their compensation and duties;
- exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district;
- construct, improve and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas within the district;
- make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for drainage purposes within the boundaries of the district;
- lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district;
- regulate the supply and level of water within the district;
- own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve water systems and sewer systems or combined water and sewer systems;
- own, acquire, construct, operate and maintain parks, playgrounds, picnic grounds, camping facilities and water recreation facilities within or without the district;
- issue general obligation bonds, revenue bonds, assessment bonds, or any other bonds or obligations;
- exercise any and all other powers conferred to water control districts by ch. 298, F.S.;
- plan, establish, construct and maintain parks and facilities for indoor and outdoor community recreational and cultural uses, when authorized by resolution of the general purpose unit of local government, in its sole discretion, and also authorized by resolution of each municipality served by the district if the parks and facilities are or will be located in the unincorporated area; and
- construct or renovate school buildings and related structures, when authorized by the local district school board, which may be leased, sold, or donated to the school district, for use in the public educational system.

Broward County Boundary Change

In 2007, the Legislature enlarged the boundaries of Broward County to include certain lands included in Palm Beach County. Prior to the boundary change, approximately 1,949 acres of land in the southern section of Palm Beach County was separated geographically from the remainder of the county by a water boundary created by the Hillsboro Canal. The Legislature amended s. 7.06, F.S., to extend the boundaries of Broward County and s. 7.50, F.S., to decrease the boundaries of Palm Beach County, thus transferring the property at issue.

This property forms a triangle-shaped parcel west of U.S. 441 (known as State Road 7 in Broward County) and south of the canal, and is commonly referred to as "The Wedge" or "The Golden Triangle." This site consists primarily of vacant or agricultural land.

Effect of Proposed Changes

HB 861 revises the legal description contained in the North Springs Improvement District's special act to add several parcels of property for the purpose of providing water, wastewater and drainage services and facilities to these areas. Inclusion in the district has been requested by the owners of the property at issue.³ The boundaries of the district will expand from approximately 8,420 acres within Broward County to approximately 8,684 acres. These parcels include:

- 1) Hendrix Farms, consisting of approximately 50.086 acres;
- 2) 1.181 acres owned by the City of Parkland;
- 3) Misty Meadows, Inc., consisting of 53.526 acres;
- 4) Dolly Land, Inc., consisting of 63.068 acres;
- 5) Palm Beach Farms, LLC, two parcels totaling 10.269 acres; and
- 6) Sabra Land Trust, consisting of 85.089 acres.

The attorney for the district has indicated that none of the properties at issue are contained within any other special district.

The bill has an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2005-341, L.O.F., as amended by ch. 2010-269, L.O.F., to revise the legal description for the North Springs Improvement District in Broward County.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 21, 2001

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, this bill will result in special district assessments of \$2,000,000 in Fiscal Year 2011-2012, and \$22,000,000 in 2012-2013. It also states that the district will make expenditures of \$2,000,000 in Fiscal Year 2011-2012, and \$22,000,000 in 2012-2013 for providing the area with water, wastewater and drainage infrastructure. These figures reflect the fact that the North Springs Improvement District will be required to construct a wastewater reclaim facility to service the properties brought into the district in 2010 (ch. 2010-269, L.O.F.) as well as those proposed to be added under this bill. The district anticipates that design and permitting of the facility will cost \$2 million for FY 2011-2012 and \$22 million for construction in FY 2012-2013.

³ The Community & Military Affairs Subcommittee has been provided copies of letters from each of the property owners requesting inclusion in the district.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Section 11(a)(21), Art. III of the State Constitution, provides that no special law or general law of local application shall be enacted that pertains to any subject prohibited by a general law passed by a three-fifths vote of the membership of each house. However, such a general law may be amended or repealed by like vote.

Section 298.76, F.S., is an example of such a general law passed by a three-fifths vote of the membership of each house. The statute provides that there shall be no special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to ch. 298, F.S. This language has not been interpreted to include the expansion of a water control district's boundaries.

Section 298.76, F.S., provides that any special or local laws enacted by the Legislature pertaining to any water control district shall prevail as to that district and shall have the same force and effect as though it had been a part of ch. 298, F.S., at the time the district was created and organized.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES